

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

YURY MORALES,

Plaintiff,

v.

ERIC HOLDER, et al.,

Defendants.

Case No. C11-7-MJP

ORDER OF DISMISSAL

The Court, having reviewed plaintiff's application to proceed *in forma pauperis* and proposed civil-rights complaint, the Report and Recommendation of United States Magistrate Judge James P. Donohue, the governing law, and the balance of the record, does hereby find and ORDER:

- (1) The Report and Recommendation is ADOPTED except as to the question of whether a dismissal would constitute a strike under 28 U.S.C. § 1915(g);
- (2) Plaintiff's proposed civil rights complaint is DISMISSED without prejudice for frivolousness and for failure to state a claim upon which relief may be granted, 28 U.S.C. § 1915(e)(2)(B);
- (3) Plaintiff's application to proceed *in forma pauperis* and motion to appoint counsel are DENIED as moot;
- (4) The determination that the dismissal constitutes a strike for the purposes of 28 U.S.C. § 1915(g) is STRICKEN; and

ORDER OF DISMISSAL -1

1 (5) The Clerk of Court is directed to send copies of this Order to plaintiff and to  
2 Magistrate Judge James P. Donohue.

3 DATED this \_28th\_ day of \_\_\_March\_\_\_, 2011.  
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7 Marsha J. Pechman  
8 United States District Judge  
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